IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 8796 of 2007(V)

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PETITIONER:

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ABDU SALAM M.P.,
S/O.MUHAMMED,
POOLAMKUNDIL HOUSE,
CHEMBRAKATTOOR,
MALAPPURAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

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1. THE TAHSILDAR,
   ERANAD.

2. THE DISTRICT COLLECTOR,
   MALAPPURAM.

3. THE SUB INSPECTOR OF POLICE,
   KONDOTTY POLICE STATION.

4. THE AREACODE GRAMA PANCHAYAT,
   REPRESENTED BY ITS SECRETARY.

5. STATE OF KERALA, REPRESENTED BY THE
   CHIEF SECRETARY TO GOVERNMENT,
   SECRETARIAT, TRIVANDRUM.

BY ADV. SMT. T.B. RAMANI, GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**PIUS C. KURIAKOSE, J.**

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W.P.(C) No. 8796 OF 2007

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Dated this the 22nd day of March, 2007

**JUDGMENT**

The Government Pleader has filed a detailed statement. I do not propose to go into the merits of the matter. Ultimately the District Collector will have to adjudicate the issue. I permit the petitioner to file an application before the District Collector requesting to release the load and lorry, pending adjudication. While considering that application the District Collector will take into account the Principles laid down in **Moosakoya V. State of Kerala**(2005 (4) KLT 331) and also the judgment in Crl.M.C No.649 of 2007. The District Collector will impose only conditions regarding remittance of cash, Rs.10,000 to Rs.15,000/- and filing of affidavit by the petitioner undertaking to produce the lorry in good running condition, upon directions in that regard by himself or any other competent authority. Orders shall be passed by the District Collector within 7 days of receiving application for interim release.

**PIUS C. KURIAKOSE, JUDGE**

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